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The Prime Minister has asked me to reply to your letter to her of 7th February about the implications of the Government's emphasis on the freedom of the individual for our policy on obscenity and censorship.

I have noted your arguments in favour of the repeal of the Obscene Publications Acts, about which you have, of course, written to the Home Secretary in the past and which indeed you have discussed with him. I must say, however, that I do not find persuasive your arguments that our respect for the freedom of the individual should necessarily lead us to remove controls over pornography to the extent that you suggest.

It is, after all, generally recognised that freedom carries with it responsibility, and that in a democratic society individual freedoms must be confined to a certain extent in the interests of protecting the rights and freedoms of others. This fundamental proposition is recognised in both the United Nations Universal Declaration on Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms, to both of which you refer. Each of those instruments, while guaranteeing freedom of thought and expression, acknowledges that these freedoms may have to be restricted for the protection, inter alia, of health and morals. Indeed the European Court has specifically found, in the case of Handyside, that the Obscene Publications Acts do not infringe the provisions of the European Convention.

I do not accept, therefore that our failure to repeal the Obscene Publications Acts is inconsistent with general respect for the rights and freedoms of the individual.

As for the legislation which has recently been introduced dealing with sex shops, indecent displays and bogus cinema clubs, I believe that this strikes the right balance between the rights of individuals to have access to material which others might find offensive, and the rights of others not to have such material thrust upon them. For example, the legislation dealing with sex shops does not seek to ban such establishments outright, but merely to control them so that they do not cause unnecessary offence to the majority of members of the public who do not wish to frequent such places themselves but who would not necessarily wish to prevent others from doing so. The fact that the measures in the Local Government (Miscellaneous Provisions) Act 1982 relating to sex establishments, the Indecent Displays (Control) Act 1981, and the Cinematograph (Amendment) Act 1982, all received all-party support in both Houses of Parliament indicates, I think, that there is general support for this sort of approach.

/ So far

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So far as comprehensive reform of the Obscene Publications Acts is concerned, we have at present no plans for legislation. The position therefore remains the same as it was when the Home Secretary and I met you in 1981, and consequently I do not think that there would be much to be gained from a further meeting.

(PATRICK MAYHEW)